

**Senate File 149 - Introduced**

SENATE FILE 149

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1036)

**A BILL FOR**

1 An Act allowing the department of transportation to accept  
2 reports from advanced registered nurse practitioners  
3 and physician assistants disclosing a physical or mental  
4 condition that renders a person incompetent to operate a  
5 motor vehicle.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.186, subsection 4, Code 2011, is  
2 amended to read as follows:

3 4. A physician licensed under chapter 148, an advanced  
4 registered nurse practitioner licensed under chapter 152 and  
5 registered with the board of nursing, a physician assistant  
6 licensed under chapter 148C, or an optometrist licensed under  
7 chapter 154 may report to the department the identity of a  
8 person who has been diagnosed as having a physical or mental  
9 condition which would render the person physically or mentally  
10 incompetent to operate a motor vehicle in a safe manner. The  
11 physician, advanced registered nurse practitioner, physician  
12 assistant, or optometrist shall make reasonable efforts  
13 to notify the person who is the subject of the report, in  
14 writing. The written notification shall state the nature of  
15 the disclosure and the reason for the disclosure. A physician,  
16 advanced registered nurse practitioner, physician assistant, or  
17 optometrist making a report under this section shall be immune  
18 from any liability, civil or criminal, which might otherwise  
19 be incurred or imposed as a result of the report. A physician,  
20 advanced registered nurse practitioner, physician assistant,  
21 or optometrist has no duty to make a report or to warn third  
22 parties with regard to any knowledge concerning a person's  
23 mental or physical competency to operate a motor vehicle in  
24 a safe manner. Any report received by the department from a  
25 physician, advanced registered nurse practitioner, physician  
26 assistant, or optometrist under this section shall be kept  
27 confidential. Information regulated by chapter 141A shall be  
28 subject to the confidentiality provisions and remedies of that  
29 chapter.

30 EXPLANATION

31 Under current law, the department of transportation has the  
32 authority to determine if an applicant for a driver's license  
33 or a person who holds a valid driver's license is physically  
34 or mentally incompetent to drive. The department may order an  
35 examination or may act on the confidential report of a licensed

1 physician or optometrist disclosing the identity of a person  
2 who has been diagnosed with a physical or mental condition  
3 which would render the person incompetent to operate a motor  
4 vehicle in a safe manner. A physician or optometrist who makes  
5 such a report is required to attempt to notify the person who  
6 is the subject of the report in writing, stating the nature  
7 of the disclosure and the reason for the disclosure. The  
8 reporting physician or optometrist is immune from civil or  
9 criminal liability that might otherwise be incurred or imposed  
10 as a result of the report.

11 This bill allows a licensed advanced registered nurse  
12 practitioner who is registered with the board of nursing  
13 or a licensed physician assistant to make the same kind of  
14 report to the department regarding a diagnosis affecting a  
15 person's ability to operate a motor vehicle. An advanced  
16 registered nurse practitioner or physician assistant who makes  
17 a report to the department has the same responsibilities and  
18 protections that currently apply to a physician or optometrist  
19 in connection with a report.